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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,590	09/15/2003	Shunsuke Nagatani	117146	8069

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EXAMINER	
SMITH, JEFFREY S	

ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/661,590	NAGATANI ET AL.	
	Examiner	Art Unit	
	Jeffrey S. Smith	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Requirement for Information

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information that is known by the applicant and the assignee of this application:

1. The information disclosure statement (IDS) submitted on September 19, 2007 is for Japanese application number 2001-074421 entitled "clear case" and is to provide a clear case by which arranged dry flowers or the like are transported without destroying the shape and are displayed keeping the shape when they are transported. The relation of a case for transporting flowers to the application of image retrieval processing to obtain static image data from video data escapes the Examiner, therefore, the material portions of the reference, the relevant claims, and the relation of the material portions to the relevant claims have not been identified. What is the purpose of disclosing a case for transporting flowers?

2. The requirement to disclose references cited in similar applications, such as U.S. Application Number 10/625,700 which has the same inventive entity and a similar inventive concept as this application, was made in the very first Office action mailed February 7, 2007 and continues until the issue fee is paid. For example, U.S. Patent Number 7,149,974, which was cited in similar U.S. Application Number 10/625,700,

identifies an article used in the present rejection of the claims in this application. Therefore the art of record in similar copending applications such as 10/625,700 needs to be disclosed by applicant because this information is material to patentability. This is applicant's second and last notice, the Examiner will no longer cite material references that are known by applicant, nor will the Examiner remind applicant to cite material references that are known by applicant.

3. The requirement to identify assignee's similar patents and applications that disclose claim elements of this application, which was made in the first Office action, continues until the issue fee is paid. For example, U.S. Patent Number 7,149,974 assigned to Fuji Xerox discloses the elements of claim two "a display unit that displays the retrieved static image data as a list of images and a size changing unit that changes an image size of the static image data to be displayed on the display unit, the image size being changed according to a predetermined criterion." This information is material to patentability. This is applicant's second and last notice, the Examiner will no longer cite material references that are owned by current assignee, nor will the Examiner remind applicant to cite material references that are owned by assignee.

4. Please state the application number and current status of every application that is, claims the benefit of or claims priority to either application number 2002-272567 filed in Japan September 19, 2002 or application number 2002-272523 filed in Japan September 19, 2002. For example, if any patent application filed in Europe claims the benefit of or priority to either application number 2002-272567 filed in Japan September 19, 2002 or application number 2002-272523 filed in Japan September 19, 2002, please

identify the application number and current status of each such application filed in Europe. Also, if any applications have been filed in any other countries that claim the benefit of or priority to either application number 2002-272567 filed in Japan September 19, 2002 or application number 2002-272523 filed in Japan September 19, 2002, then state the application number and current status of each such application.

5. Has any application filed outside of the United States that is, claims the benefit of or claims priority to either application number 2002-272567 filed in Japan September 19, 2002 or application number 2002-272523 filed in Japan September 19, 2002 ever received a search report, an Office action or an examination report from a Patent Office?

6. If the answer to 5 is "yes" then submit a copy of each search report, each Office action and each examination report. For each search report, Office action, and examination report that is written in a language other than English, please also submit an English language translation of the document.

7. Has any claim from any application filed outside of the United States that is, claims the benefit of or claims priority to either application number 2002-272567 filed in Japan September 19, 2002 or application number 2002-272523 filed in Japan September 19, 2002, ever been rejected by a Patent Office?

8. If the answer to 7 is "yes" then submit a copy of each rejection and each rejected claim. If the rejections are written in a language other than English, please submit an English language translation of each rejection. If the rejected claims are written in a

language other than English, please submit an English language translation of the rejected claims.

9. If the answer to 7 is "yes" did applicant amend any claim after receiving the rejection?

10. If the answer to 9 is "yes" then submit a copy of each amended claim. If the amended claims are in a foreign language, please provide an English language translation of the amended claims.

This information is relevant to patentability. Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment. This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 7,167,191 issued to Hull et al. ("Hull").

For claim 1, Hull discloses an input unit that accepts an input keyword (User interface 900 may also include a text search window 910 which allows the user to search the presentation information. col. 17 lines 3-13).

Hull discloses an extraction unit that extracts a character string contained in static image data by at least one of (1) extracting text data from the static image data which has the text data, and (2) performing character recognition processing on the static image data and extracting text data which is a result of the processing (The results obtained from applying OCR techniques to the video keyframes (which are still images) and applying speech recognition techniques to the audio information may be indexed for full text retrieval. col. 13 lines 46-53).

Hull discloses a retrieval unit that matches the extracted character string with the input keyword to retrieve relevant static image data (see figure 9B).

Hull discloses static image data which are associated with time positions in a video data, the static image data being displayed with the video during time positions with which the static image data are associated (see figure 9B, see also col. 9 lines 22-53. The keyframe static image data form a still image that is associated with a time position in a video data, the keyframe static image data being displayed with the video during the time position with which the keyframe static image data are associated, which is static image data described on page 6 of this application).

Claims 4 and 6 contain elements that are similar to the elements of claim 1 and are therefore rejected for the same reasons as claim 1.

For claim 3, Hull discloses a display unit that displays the retrieved static image data as a static image data (see figure 9B. see also col. 17lines 16-20. see also col. 9 lines 22-53).

Hull discloses a video display unit that, according to user's operation for selecting the displayed static image, reproduces and displays video data as an image from a reproduction time position with which the static image data is associated (see figure 9B. see also col. 17lines 16-20. see also col. 9 lines 22-53. The keyframe is a still image that is displayed and indicates a point in the video sequence where replay can begin).

Claims 5, 8 and 3 contain similar elements, therefore claims 5 and 8 are also rejected for these reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,249,281 issued to Chen et al. ("Chen") in view of U.S. Patent No. 6,834,371 issued to Jensen et al. ("Jensen").

For claim 1, Chen discloses an input unit that accepts an input keyword (see figure 8 keyword search field 820).

Chen discloses an extraction unit that extracts a character string contained in static image data and a retrieval unit that matches the extracted character string with the input keyword to retrieve relevant static image data (see figure 8 the keyword is input to the keyword search field 820 and static image data with extracted character strings that match the keyword are retrieved).

Chen discloses static image data which are associated with time positions in a video data, the static image data being displayed with the video during time positions with which the static image data are associated (see figure 8 the retrieved static image data is displayed as a static image, and the static image data is displayed at a given reproduction time position associated with the video data when the user selects the static image, such as the beginning of the presentation for example. See also column 5 line 57 through column 6 line 32 and figure 5).

Chen does not explicitly disclose extracts a character string contained in static image data by at least one of (1) extracting text data from the static image data which has the text data, and (2) performing character recognition processing on the static image data and extracting text data which is a result of the processing.

Jensen discloses extracts a character string contained in static image data by at least one of (1) extracting text data from the static image data which has the text data, and (2) performing character recognition processing on the static image data and extracting text data which is a result of the processing (in the case of a presentation consisting of plural screen slides, the text from each screen slide is preferably extracted

and stored in a data file, with such data being available for searching see col. 4 lines 41-47 and col. 15 line 58-col. 16 line 4).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Chen to include Jensen's extracting text data from static image data to retrieve relevant static image data. All the claimed elements were known in the prior art as shown by Chen and Jensen. One skilled in the art, at the time of invention, could have used known software programming methods to combine the presentation interface functions of Chen with the keyword searching functions of Jensen, with no change in their respective functions, to yield the predictable results of using keywords for retrieving relevant static image slides in Chen's presentation interface. Furthermore, in this case, the particular known technique of extracting text from static image data and making the text available for keyword search and retrieval was recognized at the time of invention as part of the ordinary capabilities of one skilled in the art. Also, one of ordinary skill at the time of invention would be motivated to provide keyword searching of text in static image data for the benefit of advancing the presentation to the corresponding slide static image data as taught by Jensen in col 9 line 57-col 10 line 43.

Claims 4 and 6 contain elements that are similar to the elements of claim 1 and are therefore rejected for the same reasons as claim 1.

For claim 2, Chen discloses a display unit that displays the retrieved static image data as a list of images (see figure 5 540) and a size changing unit that changes an image size of the static image data to be displayed on the display unit, the image size being changed according to a predetermined criterion (510).

Claim 7 contains a similar element and is rejected for this reason.

For claim 3, Chen discloses displaying the retrieved static image data as a static image (see figure 8 the retrieved static image data is displayed as a static image); and according to user's operation for selecting the displayed static image, reproducing and displaying video data as an image from a reproduction time position with which the static image data is associated (the video data is displayed at a given reproduction time position associated with the static image data when the user selects the static image, such as the beginning of the presentation for example. See also figure 5 and column 5 line 57 through column 6 line 32).

Claims 5, 8 and 3 contain similar elements, therefore claims 5 and 8 are also rejected for these reasons.

Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull as applied to claims 1 and 6 above in view of S. Uchihashi et al., "Video Manga: Generating Semantically Meaningful Video Summaries," Proceedings of the ACM Multimedia, pp. 383-392, 1999 ("Uchihashi").

For claim 2, Hull discloses the elements of claim 1.

Uchihashi discloses a display unit that displays the retrieved static image data as a list of images (see figures 2-3 and 5) and a size changing unit that changes an image size of the static image data to be displayed on the display unit, the image size being changed according to a predetermined criterion (see figures 2-3 and 5 for example in figure 2 the sizes of the still images are changed using a predetermined criterion).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Hull to include Uchihashi's variable size static image data. All the claimed elements were known in the prior art at the time of invention. One skilled in the art at the time of invention could have combined the system of Hull with the variable size static image data of Uchihashi with no change in their respective functions, and the combination would have yielded predictable results of displaying a list of static images having different sizes according to a predetermined criterion in Hull's system. Furthermore, in this case, the particular known technique of changing the size of static image data according to a predetermined criterion was recognized as part of the ordinary capabilities of one skilled in the art at the time of invention. Also, one of ordinary skill in the art at the time of invention would be motivated to change the size of static image data displayed as a list for the benefit of guiding a user's attention to important keyframe static image data as taught by Uchihashi in section 4.3.

Claim 7 contains similar elements and is rejection for these reasons.

Response to Arguments

Applicants, on May 21, 2007, wrote that "Applicants are aware of their duty to disclose references material to patentability of the subject matter of the pending claims under Rule 56. Should Applicants become aware of any such references, which Applicants are not aware of at this time, based upon any prior art search that Applicants have undertaken or of which Applicants have been notified from, for example, a foreign Patent Office, these references will be immediately disclosed to the Patent Office for

consideration. An Information Disclosure Statement is filed with this response to disclose references cited in Applicants' U.S. Patent Application No. 10/625,700." The Examiner hopes that this is still the case.

Applicant argues at length about giving weight to static image data associated with video data. The Examiner did address static image data associated with video data in the rejections of claims 3, 5 and 8 found in the final rejection because these claims did positively recite video data, yet inexplicably, applicant fails to respond to this rejection and instead argues that static image data associated with video data must be given weight. The rejection made in the final rejection is therefore repeated here.

Applicant argues at length about giving weight to the preamble. This argument is irrelevant because applicant amended the body of each claim to recite elements that were previously found only in the preamble.

Applicant argues that Hull does not disclose associating static image data with time positions in a video data, the static image data being displayed with the video data during time positions with which the static image data are associated, then goes on to cite portions of Hull that were not cited in the rejection while ignoring the sections of Hull that disclose exactly this feature as the Examiner wrote in the final rejection. Applicant is requested to respond to the rejection that has been made instead of responding to a rejection that has not been made.

Applicant argues that associating static image data with time positions in a video data, the static image data being displayed with the video data during time positions with which the static image data are associated is a basis for patentability even though

much of the art of record has these claim elements. For example, Hull, which was relied on in the final rejection, and Chen, which was relied on in the first rejection, have these claim elements. The Examiner cites particular columns and line numbers in the references that were applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art as applied to the specific limitations within individual claims, other portions of these references, as well as other passages and figures in the art of record, may apply as well. It is respectfully requested that, in preparing responses, the applicant fully read the art of record in its entirety, including the specific passages in the prior art references that were relied on by the Examiner in this or in previous Office actions, as potentially teaching all or part of the claimed invention.

With respect to the interview process, applicant submitted three different hypothetical claims on three separate occasions, and appeared for a personal interview twice. The hypothetical claim amendments did not include any written analysis of the proposed amendments overcoming the art of record. Yet during the interviews, applicant expected the Office to express opinions about the hypothetical claims not of record and not supported by written analysis of the art of record. The Office does not express opinions about hypothetical claims, rather the Office only examines claims that are presented for examination. Developing an opinion about a claim requires a significant amount of research, analysis and consideration. This effort is wasted on hypothetical claims that are subsequently not presented for examination in the record. For example, an Examiner is given one hour of time to conduct a personal interview,

where the time is expected to be divided into thirty minutes of preparation and thirty minutes of discussion. To spend time examining three different hypothetical amendments, which are subsequently not presented in the record, requires much more time than thirty minutes. Using this significant amount of time to examine a hypothetical amendment which is subsequently not presented for examination prevented the Office from using the time to examine actual claims that are currently pending before the Office. If applicant desires to propose hypothetical claims and discuss the hypothetical claims during a personal interview, the Examiner is available to listen. Doing more than this is beyond the scope of the interview process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey S. Smith whose telephone number is 571 270-1235. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSS
October 22, 2007

SUPERVISORY PATENT EXAMINER
JINGGE WU